

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

ALLEN MONTEZ RUSSELL

PLAINTIFF

VS.

CIVIL ACTION NO. 2:19-cv-39-KS-MTP

BILLY MAGEE

DEFENDANT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge entered herein on March 9, 2020, after referral of hearing by this Court, no objections having been filed as to the Report and Recommendation, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation be, and the same hereby is, adopted as the finding of this Court, and the Motion to Dismiss [51] is hereby denied without prejudice to contest the sufficiency of the allegations after a *Spears* hearing.

SO ORDERED, this the 8th day of May, 2020.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE